

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN CINDY YOUNKIN**, on March 26, 2003 at 3:15 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Cindy Younkin, Chairman (R)
Rep. Gail Gutsche, Vice Chairman (D)
Rep. Jim Peterson, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Larry Cyr (D)
Rep. Sue Dickenson (D)
Rep. Ron Erickson (D)
Rep. George Everett (R)
Rep. Kim Gillan (D)
Rep. Christopher Harris (D)
Rep. Carol Lambert (R)
Rep. Michael Lange (R)
Rep. Rick Maedje (R)
Rep. Bruce Malcolm (R)
Rep. Brad Newman (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Veronica Small-Eastman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Larry Mitchell, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society. THE TIME STAMP REPRESENTS ELAPSED TIME.

Committee Business Summary:

Hearing & Date Posted: SJR 9, 3/11/2003; SB 416,
3/11/2003; SB 409, 3/11/2003; SB
194, 3/11/2003

Executive Action: SJR 19, TABLED
SB 325, BE CONCURRED IN, 15-3
SB 406, BE CONCURRED IN, 17-1
SJR 9, BE CONCURRED IN, 18-0

EXECUTIVE ACTION ON SB 355

Motion/Vote: REP. LANGE moved that SB 355 BE REMOVED FROM THE TABLE. Motion failed 7-8 with REPS. BARRETT, CYR, DICKENSON, ERICKSON, GUTSCHE, HARRIS, MAEDJE, and SMALL-EASTMAN voting no by roll call vote. REPS. PETERSON, GILLAN, and NEWMAN were excused.

EXECUTIVE ACTION ON SJR 19

Motion: REP. SALES moved that SJ 19 BE CONCURRED IN.

Substitute Motion/Vote: REP. DICKENSON made a substitute motion that SJR 19 BE TABLED. Substitute motion carried 13-5 with REPS. BARRETT, EVERETT, LANGE, and MAEDJE voting no by roll call vote and REP. PETERSON voting no by written proxy to the Chairman.

EXECUTIVE ACTION ON SB 325

Motion/Vote: REP. ROSS moved that SB 325 BE CONCURRED IN. Motion carried 15-3 with REPS. BARRETT, LAMBERT, and MAEDJE voting no by voice vote and REP. PETERSON voting aye by written proxy to the Chairman.

EXECUTIVE ACTION ON SB 406

Motion: REP. ERICKSON moved that SB 406 BE CONCURRED IN.

Motion/Vote: REP. ERICKSON moved that SB 406 BE AMENDED. Motion carried unanimously 18-0 by voice vote.

EXHIBIT(nah64a01)

Motion: REP. ERICKSON moved that SB 406 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. YOUNKIN moved that SB 406 BE AMENDED. Motion carried unanimously 18-0 by voice vote.

EXHIBIT(nah64a02)

Motion/Vote: REP. ERICKSON moved that SB 406 BE CONCURRED IN AS AMENDED. Motion carried 17-1 with REP. MAEDJE voting no by voice vote and REP. PETERSON voting aye by written proxy to the Chairman.

HEARING ON SB 194

Opening Statement by Sponsor:

19:00 SEN. BILL TASH, SD 17 -- Short Title: Revise authorization of interim water agreement.

Proponents' Testimony:

24:00 REP. JOHN BRUEGGERMAN, HD 74
27:00 Chris Tweeten, Reserve Water Rights Commission
30:00 Don MacIntyre, Department of Natural Resources
32:00 Randy Ingram, Mayor of Polson
33:00 Jon Metropoulos, Flathead Irrigators Association
39:00 Steve Hughes, Montana Water Resources Association
40:00 Wally Schock, Flathead Valley Water Control Board
41:00 Dennis Duty, Polson

Opponents' Testimony:

43:00 Clayton Matt, Department of Natural Resources, Flathead Tribe
46:00 John Carter, Attorney, Flathead Tribe
EXHIBIT (nah64a03)
49:00 Earl Old Person, Tribal Chairman
EXHIBIT (nah64a04)
56:00 Joe McKay, Attorney, Blackfeet Tribe
1:00:00 REP. JUNEAU, HD 85
1:01:00 REP. JAYNE, HD 73
1:02:00 William Walks Along, Northern Cheyenne Tribe

Informational Testimony: None.

Questions from Committee Members and Responses:

1:05:00

Closing by Sponsor:

1:49:00

HEARING ON SB 416

Opening Statement by Sponsor:

1:54:00 SEN. BARKUS, SD 39 -- Short Title: Revise laws governing appropriation of water.

Proponents' Testimony:

1:57:00 Jon Metropoulos, Flathead Joint Water Users

Opponents' Testimony:

1:59:00 Clayton Matt, Department of Natural Resources, Flathead Tribe

2:08:00 John Carter, Attorney, Flathead Tribe

2:12:00 Joe McKay, Attorney, Blackfeet Tribe

2:13:00 Holly Franz, Pacific Power and Light

2:15:00 **REP. WANZENRIED, HD 68**

2:17:00 William Walks Along, Northern Cheyenne Tribe

2:17:00 Tom Ebzery, Avista Corporation

2:18:00 **REP. JAYNE, HD 73**

2:18:00 **REP. BIXBY, HD 5**

Informational Testimony:

2:19:00 Don MacIntyre, Department of Natural Resources

Questions from Committee Members and Responses:

2:19:00

Closing by Sponsor:

2:21:00

HEARING ON SB 409

Opening Statement by Sponsor:

2:21:00 **SEN. STAPLETON, SD 10 -- Short Title:** Development plan
for Otter Creek tracts.

EXHIBIT (nah64a05)

Proponents' Testimony:

2:25:00 Leo Berry, Great Northern Properties

2:28:00 **SEN. BALES, SD 1**

2:30:00 Pat Davison, Billings businessman

2:33:00 Russ Ritter, Montanans for Responsible Energy
Development

2:37:00 Jason Thielman, Secretary of State's Office

2:38:00 Jim Mockler, Montana Coal Council

2:39:00 Joe Lamson, Office of Public Instruction

2:40:00 Aidan Myhre, Montana Chamber of Commerce

2:41:00 Charles Brooks, Billings Chamber of Commerce

2:41:00 Willy Duffield, Montana Coal, Gas and Oil Counties

2:41:00 Don Allen, Western Environmental Trade Association

2:42:00 Tom Figarelle, Forward Montana!

2:42:00 Tom Schultz, Department of Natural Resources

2:43:00 David Millegan, Northern Cheyenne Natural Resources
Department

EXHIBIT (nah64a06)

2:45:00 William Walks Along, Northern Cheyenne Tribe

EXHIBIT (nah64a07)

2:47:00 David Millegan, Northern Cheyenne Natural Resources
Department

2:47:00 **REP. BIXBY, HD 5**

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

2:49:00

Closing by Sponsor:

3:03:00

HEARING ON SJ 9

Opening Statement by Sponsor:

3:04:00 **SEN. NELSON, SD 49 -- Short Title:** Urge minimum level
for Fort Peck Lake.

Proponents' Testimony:

0:00

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

3:10:00

EXECUTIVE ACTION ON SJR 9

Motion/Vote: REP. GUTSCHE moved that SJR 9 BE CONCURRED IN.

Motion carried unanimously by voice vote.

Motion/Vote: REP. LAMBERT moved SJR 9 BE PLACED ON THE CONSENT

CALENDAR. Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 6:25 P.M.

REP. CINDY YOUNKIN, Chairman

KATHLEEN ELY, Secretary

CY/KE

EXHIBIT (nah64aad)